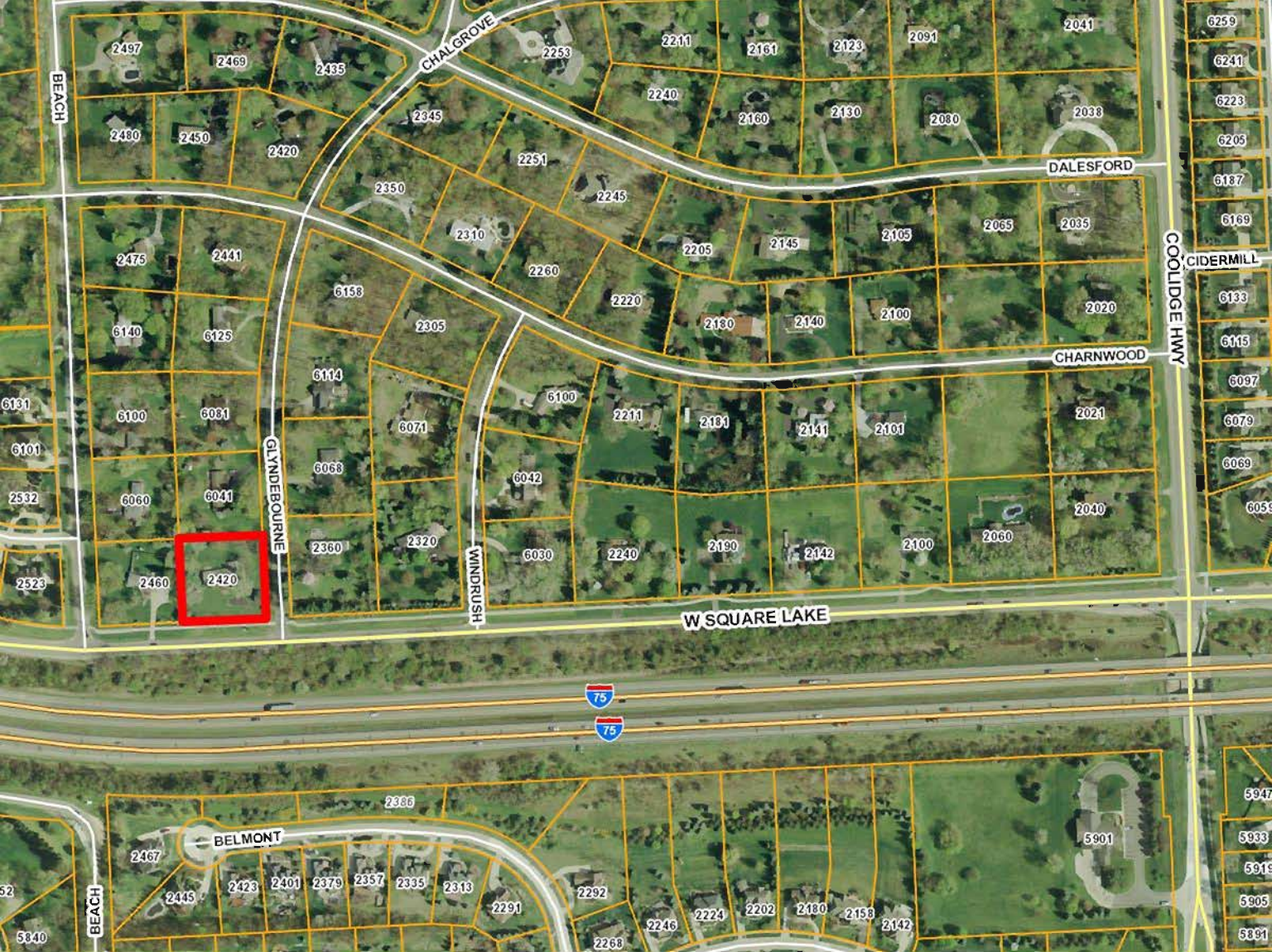


4. HEARING OF CASES

- A. **VARIANCE REQUEST, ANGELINA AND BESNIK GOJKA, 2420 W. SQUARE LAKE ROAD** – In order to allow 10 adult foster care residents, a 27 square foot variance to the requirement that the land parcel be at least 40,000 square feet in area. Adult foster care small group homes are required to have at least 4,000 square feet of lot area per adult, excluding employees and/or caregivers. The subject property measures 39,973 square feet.

SECTION: 6.02 (B) (2)



CHAL GROVE

BEACH

DALESFORD

COLIDGE HWY

CHARNWOOD

GLYNEDOURNE

WINDRUSH

W SQUARE LAKE

BELMONT

BEACH



6060

6041

2360

2460

2420

GLYNDEBOURNE

W SQUARE LAKE

BEACH



6060

6041

GLYNDEBOURNE

(R 1A)

2360

2460

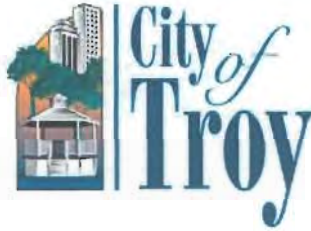
2420

W SQUARE LAKE

BEACH

ZONING BOARD OF APPEALS APPLICATION

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248- 524-3364
E-MAIL: evanspm@troymi.gov
<http://www.troymi.gov/CodeEnforcement/#>



REGULAR MEETING FEE **\$150.00**
SPECIAL MEETING FEE **\$650.00**

REGULAR MEETINGS OF THE CITY BOARD OF ZONING APPEALS ARE HELD ON THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL**. PLEASE FILE A COMPLETE APPLICATION, WITH THE APPROPRIATE FEE, AT LEAST **27 DAYS BEFORE** THE MEETING DATE.

1. ADDRESS OF THE SUBJECT PROPERTY: 2420 W. Square Lake Road
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-06-452-010
3. ZONING ORDINANCE SECTIONS APPLICABLE TO THIS APPEAL: 6.02.B.2
4. REASONS FOR APPEAL: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: None
6. APPLICANT INFORMATION:

NAME	<u>Angelina and Besnik Gojka</u>		
COMPANY	<u>Angel from Albania</u>		
ADDRESS	<u>2420 W. Square Lake Road</u>		
CITY	<u>Troy</u>	STATE	<u>MI</u>
		ZIP	<u>48098</u>
TELEPHONE	<u>(248) 879-3245</u>		
E-MAIL	<u>angel_gojka@hotmail.com</u>		

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: same as owner

8. OWNER OF SUBJECT PROPERTY:

NAME same as applicant

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

E-MAIL _____

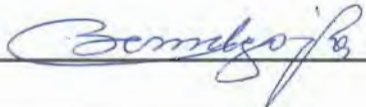
The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto

I, Besnik Gojka (PROPERTY OWNER) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT _____ DATE _____

PRINT NAME: _____

SIGNATURE OF PROPERTY OWNER  DATE 7/12/11

PRINT NAME: Besnik Gojka

July 11, 2011

Planning Department
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Re: Zoning Board of Appeals Request for #2420 Square Lake Road
"Angel from Albania" Adult Foster Care Home
Section 6, City of Troy

Dear City of Troy Planning Department:

Attached to this letter are the following items:

- Two (2) Zoning Board of Appeals Applications.
- Two (2) Certified Boundary Surveys.
- Two (2) Site Plans.
- Two (2) Floor Plans.
- Two (2) copies of photos of the exterior of the home.
- Two (2) copies of the State of Michigan AFC Rule 409.
- Two (2) copies of supporting maps and lot information.
- One (1) CD containing PDF copies of the aforementioned items.
- One (1) check in the amount of \$150.00.

These materials are being submitted for Zoning Board of Appeals review of a variance request to Zoning Ordinance Section 6.02.B.2 in order to allow a tenth (10th) adult foster care resident, further explained as follows.

On June 14, 2011 this site received Special Use Approval from the Planning Commission for an Adult Foster Care Small Group Home contingent upon a maximum number of nine (9) adult foster care residents. This is one person short of the owners' goal of ten (10) residents.

When owners Angelina and Besnik Gojka first explored the idea of expanding their occupancy and improving their facility, the obvious first step was to determine the total number of residents allowed under State of Michigan and City of Troy regulations.

Under the State of Michigan Adult Foster Care ("AFC") Rule 409 (see attached), the number of residents is based on the usable bedroom floor area and is calculated as follows:

July 11, 2011
Planning Department, City of Troy
Re: Special Use Request for #2420 Square Lake Road

<u>Bedroom #</u>	<u>Usable Square Footage</u>	<u>Occupancy</u>
1	105	1
2	90	1
3	147	2
4	140	2
5	227	3
5	147	2
7	163	2
<i>Total Occupancy:</i>		<i>13 persons</i>

The total number of residents the home can accommodate by State rules is therefore thirteen (13). However, by the State's definition of an Adult Foster Care "Medium Group" Home the maximum allowed would actually be twelve (12).

The City of Troy Zoning Ordinance Section 6.02.B.2 determines the number of residents based on lot area. The owners, not having the benefit of a Survey at the time, used the only information available to them, including the City of Troy Assessing data and map, the Oakland County Property Gateway map, and the subdivision plat of "Charnwood Hills No. 3" (copies of each are attached). All three maps indicate that their property (Lot 113) is 200 feet by 200 feet. Simple math would yield 40,000 square feet. Also note the City Assessing data indicates the lot as being 0.92 of an acre, which equates to 40,075 square feet.

Thus, using the City of Troy's requirement of one (1) resident allowed per 4,000 square feet of land area, 40,000 square feet divided by 4,000, yields ten (10) foster care residents. Based on this knowledge and understanding, the owners proceeded with construction of two (2) additional bedrooms and one (1) additional bathroom in what was formerly the garage area of the home.

Upon application for Special Use Request to change the designation of the home from a Family Home to a Small Group Home, a Boundary Survey was performed as required by standard Planning Commission review procedures. The Survey yielded a lot area slightly lower than expected (39,973 SF). This is a common occurrence for a lot in an aged platted subdivision. The "Charnwood Hills No. 3" subdivision was originally platted and recorded in 1955. Surveying instruments and practices in use today are more precise than those employed in 1955. Thus, the lot measures slightly different than it was originally platted ("recorded" versus "measured").

When calculated based on the surveyed lot area of 39,973 square feet, the allowed number of residents is 9.993. Typical mathematical rounding would yield a value of ten (10) persons. However this shortage of a mere 0.007 of a person resulted in being approved at only nine (9) residents.

July 11, 2011
Planning Department, City of Troy
Re: Special Use Request for #2420 Square Lake Road

Subsequently, the owners explored the option of increasing their lot area by the 27 square feet (0.068%) needed in order to obtain 40,000 square feet. This equates to approximately 1.5 inches of the adjacent property. However, during negotiations with the neighbor it was concluded, for various reasons, that this was not an acceptable solution.

Therefore, the owners are seeking to obtain a variance from Ordinance Section 6.02.B.2 for the fraction of a person, or rather, the 27 square feet of land area that is needed in order to bring the lot area to the 40,000 square feet required to allow a maximum of ten (10) adult foster care residents.

We feel that this variance request is very minor in nature and is a result of simple technicalities that have arisen during the Special Use Approval process. The facility is certainly capable of accommodating ten (10) adult foster care residents, and it already complies within State licensing requirements and falls below the maximum occupancy allowed by the State. All requirements set forth in Zoning Ordinance Section 15.04.E.2 (criteria for "Dimensional and Other Non-Use Variances") have been met. Granting of the variance will not confer any special privileges as this is a unique request and situation. Nor will the variance cause any detriment or harm to the surrounding neighborhood as this facility has been operating as a Family Home for a number of years and is currently approved for a Small Group Home. Its character is that of a single family residence and it will remain as such and in harmony with the rest of the subdivision. One additional adult foster care resident will have absolutely no effect on the neighborhood, public services, or the community as a whole.

Your consideration of this request is greatly appreciated.

Sincerely,



Nathan P. Robinson, P.E.
President
nrobinson@horizoneng.net

cc.: Besnik & Angelina Gojka

attachments

CERTIFICATE OF SURVEY

CERTIFIED TO: BESNIK & ANGELINA GOJKA
2420 W. SQUARE LAKE ROAD
TROY, MI 48098

PROPERTY DESCRIPTION:

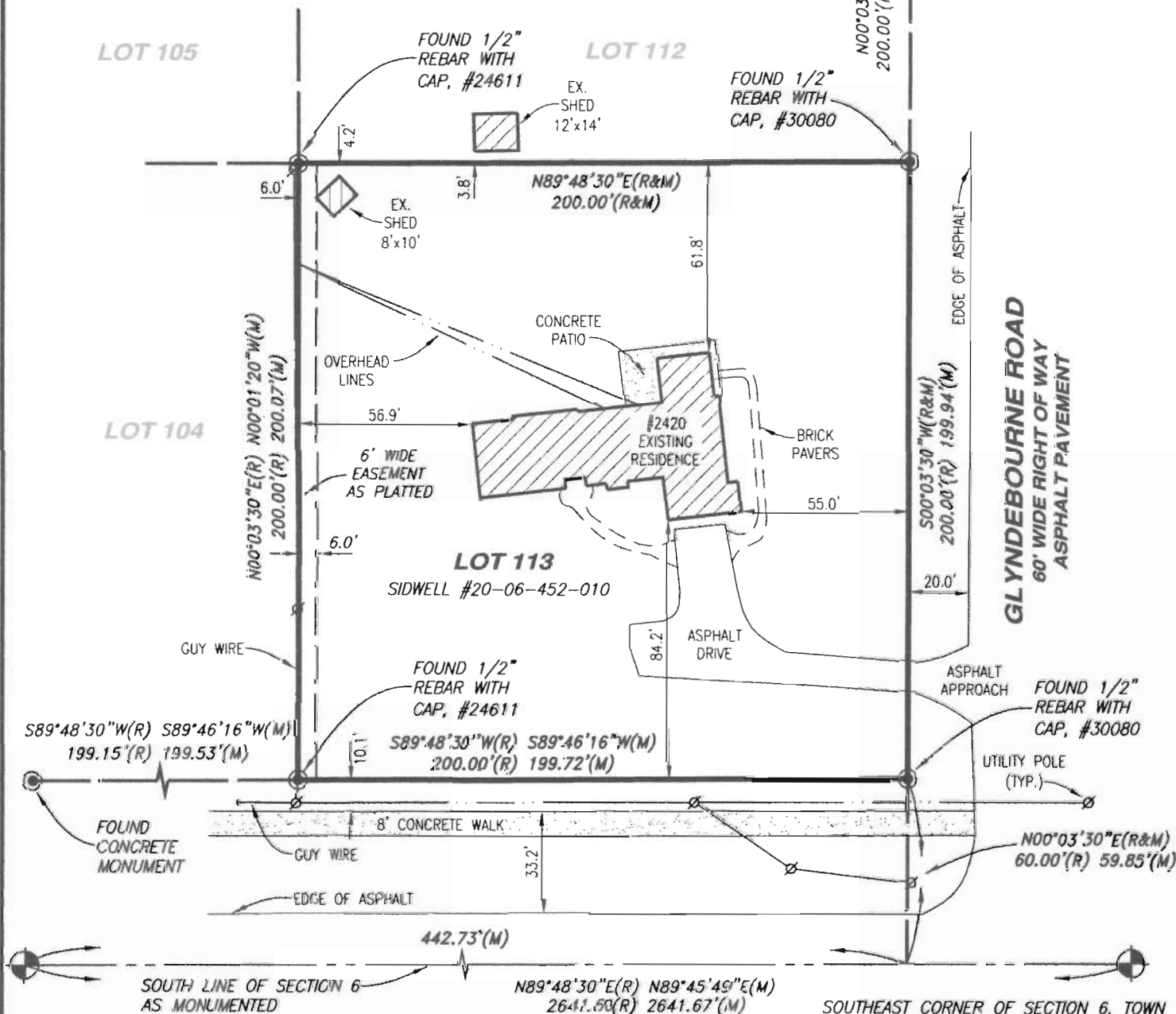
SIDWELL #20-06-452-010

LOT 113, "CHARNWOOD HILLS NO.3", A SUBDIVISION OF PART OF THE
SOUTHEAST 1/4 OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, TROY
TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED
IN LIBER 78 OF PLATS, PAGE 6 OF OAKLAND COUNTY RECORDS.

NORTH



SCALE: 1"=50'



SOUTH 1/4 CORNER OF SECTION 6, TOWN
2 NORTH, RANGE 11 EAST, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN. FOUND
OAKLAND COUNTY REMONUMENTATION CAP,
#25854 IN MONUMENT BOX AS RECORDED
IN LIBER 17277, PAGE 615 OF OAKLAND
COUNTY RECORDS.

SQUARE LAKE ROAD
VARIABLE WIDTH RIGHT OF WAY
ASPHALT PAVEMENT

SOUTHEAST CORNER OF SECTION 6, TOWN
2 NORTH, RANGE 11 EAST, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN. FOUND
OAKLAND COUNTY REMONUMENTATION CAP,
#25854 IN MONUMENT BOX AS RECORDED
IN LIBER 17277, PAGE 623 OF OAKLAND
COUNTY RECORDS.

SURVEYOR'S NOTES

1. BASIS OF BEARING
SOUTH 00° 03' 30" WEST ALONG THE EASTERLY LINE OF
LOTS 112 AND 113 AS PLATTED AND AS MONUMENTED
IN FIELD.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE THE PROPERTY
HEREIN DESCRIBED AND THAT THE DRAWING HEREON DELINEATED IS
A CORRECT REPRESENTATION OF THE SAME. I ALSO CERTIFY THAT
THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT
132 OF 1970 AND IS GREATER THAN 1 IN 5000.

SHANE P. AZBELL, P.S., #46724

AZTEC
LAND SURVEYORS INC.

P.O. BOX 353
HOLLY, MI 48442
PHONE: 586-306-1253 FAX: 480-287-8799

SEAL:



SHANE P. AZBELL
PROFESSIONAL SURVEYOR
NO. 46724

PAGE 1 OF 1

LEGEND:

- = SECTION CORNER
- ⊙ = FOUND MONUMENT (AS NOTED)
- = SET 1/2" REBAR AND CAP, #46724
- R = RECORD
- M = MEASURED
- C = CALCULATED

JOB NO: 11-039
DATE: 3/17/11
REVISED:
DRAWN BY: SA

AFC Administrative Rule**R 400.14409 Bedroom space; "usable floor space" defined
.15409**

The consultant is to measure and record the bedroom dimensions in the licensing study report at original licensure or addendum to the LSR when changes in room useage occur.

Rule 409. (1) As used in this rule, "usable floor space" means floor space that is under a ceiling which is not less than 6 feet, 6 inches in height, excluding closets and space that is under a portable wardrobe. When determining usable floor space, an alcove or any other part of the room that does not have at least a 7-foot horizontal dimension shall be excluded.

Technical Assistance

The consultant should observe the home for slanted ceilings or other obstructions that could affect the amount of required usable floor space. If ceilings are sloped to less than 6' 6" from the floor, the consultant will need to establish at what point the ceiling meets the height requirement and measure floor space within that perimeter and exclude areas with less than 7 feet of horizontal space.

(2) A single occupancy bedroom shall have not less than 80 square feet of usable floor space.

Technical Assistance

The consultant is to observe and measure single occupancy resident bedrooms to determine compliance with the 80 sq. ft. of usable floor space requirement.

(3) A multi occupancy resident bedroom shall have not less than 65 square feet of usable floor space per bed.

Technical Assistance

The consultant is to observe and measure multi occupancy resident bedrooms to determine compliance with the 65 sq. ft. of usable floor space requirement.

(4) A maximum of 2 beds shall be allowed in any multi-occupancy bedroom, except as provided in subrule (5) of this rule.

Technical Assistance

This rule applies to facilities licensed after 5/24/94..

Administrative Rule and Statutory Cross Reference

R 400.14409 (7)

.15409 (7)

(5) A maximum of 4 beds shall be allowed in any multi-occupancy bedroom for those licensees and homes that were licensed on the effective date of these rules and that have had licenses in continuous effect.

Technical Assistance

The intent of Rule 409(5) is to grandfather those homes licensed on or before May 24, 1994, which have up to 4 beds in a multi occupancy bedroom to continue to use the multi occupancy bedroom for up to the number of beds approved on or before May 24, 1994. Therefore, if a resident moves out of a 3 or 4 bed bedroom, another resident can use that third or fourth bed. Homes cannot increase bed capacity to 3 or more beds in a bedroom not approved for more than 2 beds on or before 5/24/94.

(6) Where there is a change of ownership or a change in licensee for those licensees and homes that were licensed on the effective date of these rules and whose licenses have been in continuous effect, a maximum 4 beds shall be allowed in any multi occupancy bedroom when all of the following conditions have been met:

This rule applies to facilities licensed on or before 5/24/94.

The consultant is to determine whether this subrule applies to this facility. If it does apply, the consultant is to determine that all required documentation is in place for original and renewal licensure.

(a) The resident or his or her designated representative has agreed, in writing, to continue to reside in the multi occupancy room.

(b) The home is in compliance with all applicable state fire safety and environmental health standards.

(c) The multi occupancy bedroom provides not less than 70 square feet (65 square feet for those homes licensed on or before December 31, 1976) of usable floor space per bed. "Usable floor space" means the floor space under a ceiling that is not less than 6 feet 6 inches in height.

(d) The licensee has made provision for individual privacy as required in these rules.

Administrative Rule And Statutory Cross Reference

R400.14303(4)(d), .15303(4)(d)

(7) There shall not be less than a 3-foot clearance between beds in a multi occupancy bedroom.

Technical Assistance

The consultant is to observe the resident bedrooms and room arrangements to determine there is a 3-foot clearance between beds. Where the 3-foot clearance cannot be met, the number of approved beds needs to be reduced or rearranged.



Front (South) Elevation



Right Side (East) Elevation



Left Side (West) Elevation



Rear (North) Elevation

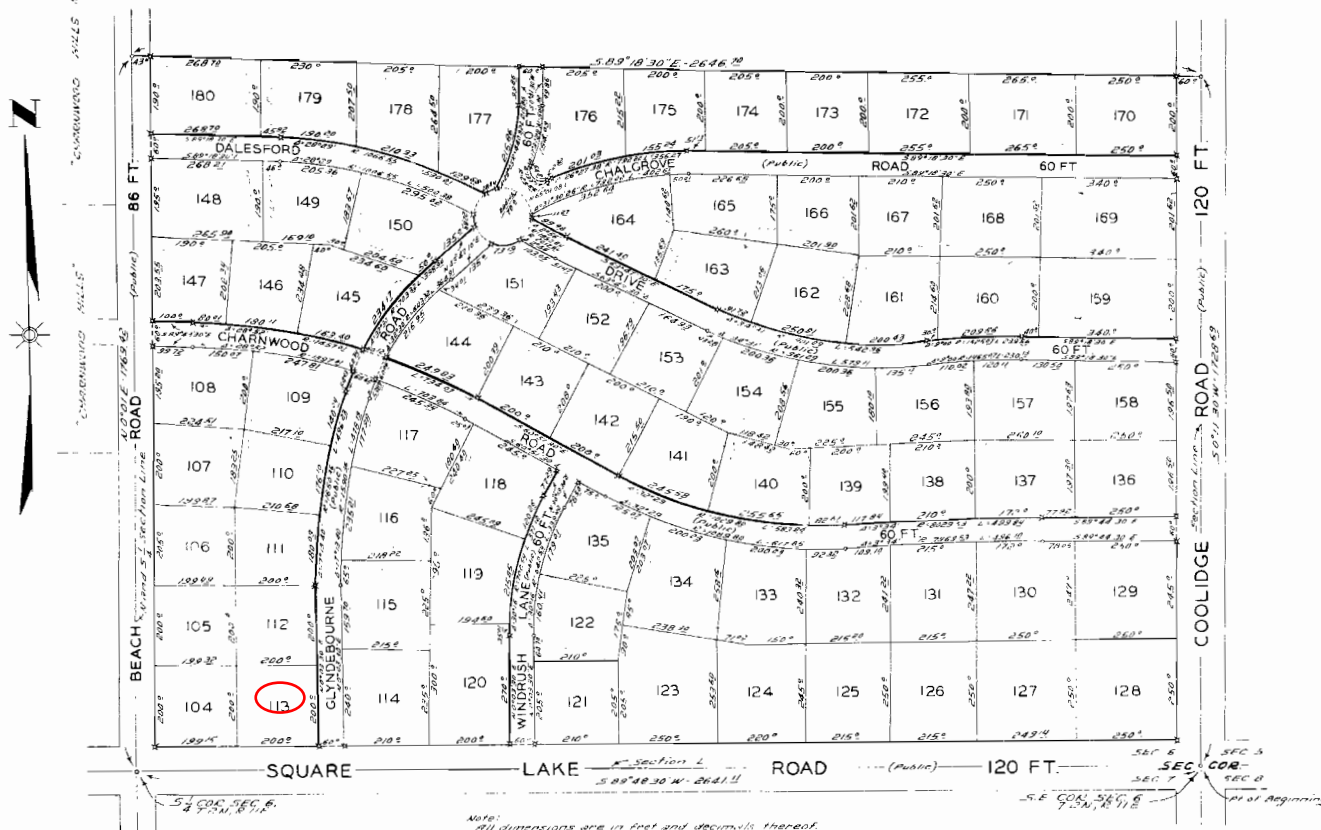
May 9, 1955
 May 11, 1955
 May 9, 1955
 T. J. Pargue
 Notary General
 Plat Engineer

"CHARNWOOD HILLS NO. 3"

A SUBDIVISION OF PART OF THE S.E. $\frac{1}{4}$ OF SECTION 6, T2N, R11E.
 TROY TWP, OAKLAND CO, MICH.

0 100 200 300 400 500
 SCALE: 1 INCH = 200 FEET

COPY
 Register's Office
 Oakland County, Mich.
 Plat of Charnwood Hills No. 3
 Troy, Mich.
 Recorded this 10th day of May, 1955 at 9:44 A.M.
 Page 18 of 18
 Helen J. Haskins, Deputy



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we Charnwood Hills Inc., a Michigan corporation by Roger H. Blackwood, President, and James Taylor, Vice President-Treasurer, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "CHARNWOOD HILLS No. 3" a subdivision of part of the S.E. $\frac{1}{4}$ of Section 6, T2N, R11E Troy Twp, Oakland Co, Mich. and that the roads as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in the presence of:

Nancy Chilton
 Nancy Chilton, Witness
 Marion E. London, Witness

CHARNWOOD HILLS INC. by
 Roger H. Blackwood, Pres.
 James Taylor, Vice Pres. Treas.

ACKNOWLEDGEMENT STATE OF MICHIGAN COUNTY OF OAKLAND } S.S.

On this 19th day of April, A.D. 1955, before me, a Notary Public in and for said county appeared Roger H. Blackwood and James Taylor, to me personally known, who being each by me duly sworn did say that they are the President and Vice President-Treasurer respectively of Charnwood Hills Inc., a Michigan corporation, and that of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said Roger H. Blackwood its Board of Directors and the said James Taylor acknowledged said instrument to be the free act and deed of said corporation.

Nancy Madeline Chilton
 Notary Public in and for said Co.
 My commission expires May 8, 1955

CERTIFICATE OF MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Township of Troy at a meeting held May 11, 1955.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one, and that permanent metal monuments consisting of bars not less than one-half (1/2) inch in diameter and thirty-six (36) inches in length, encased in a concrete cylinder at least four (4) inches in diameter and thirty-six (36) inches in depth have been placed at points marked thus * as thereon shown, at all angles in the boundaries of the land platted, at all intersections of roads, and at intersections of roads with boundaries of the plat as shown on said plat.

William S. Haskins
 Registered Land Surveyor #1015

DESCRIPTION

The land embraced in the annexed plat of "CHARNWOOD HILLS No. 3" a subdivision of part of the S.E. $\frac{1}{4}$ of Section 6, T2N, R11E, Troy Twp, Oakland Co, Mich. is described as beginning at the S.E. corner of said Section 6; thence S. 89° 18' 30" W. along section line 264.11 ft. to the S.E. corner of said Section 6; thence S. 89° 18' 30" E. along section line 1769.45 ft. thence S. 89° 18' 30" E. 264.11 ft. to the east line of said Section 6; thence S. 0° 11' 30" W. along section line 1728.43 ft. to the point of beginning.

This plat contains (77) lots, numbered 104-180 both inclusive.

APPROVED
 OF May 2nd 1955
 Lee O. Brooks
 Notary Public
 My commission expires May 8, 1955

Approved by Oakland County Plat Board, pursuant to Act 172 of P.A. of 1929, as amended, this 19th day of May, 1955.

REGISTER OF DEEDS
 By: [Signature]
 COUNTY BOARD OF AUDITORS
 By: [Signature]
 By: [Signature]

OAKLAND COUNTY
 Notary Public
 My commission expires May 8, 1955

151610-0

Layer List

Aerial Photography

Parcels Data

Parcel Dimensions

Parcels *

Site Location

Transportation

Administrative

Surface Topography

Base Layers

Show Legend

Selection

Zoom To All

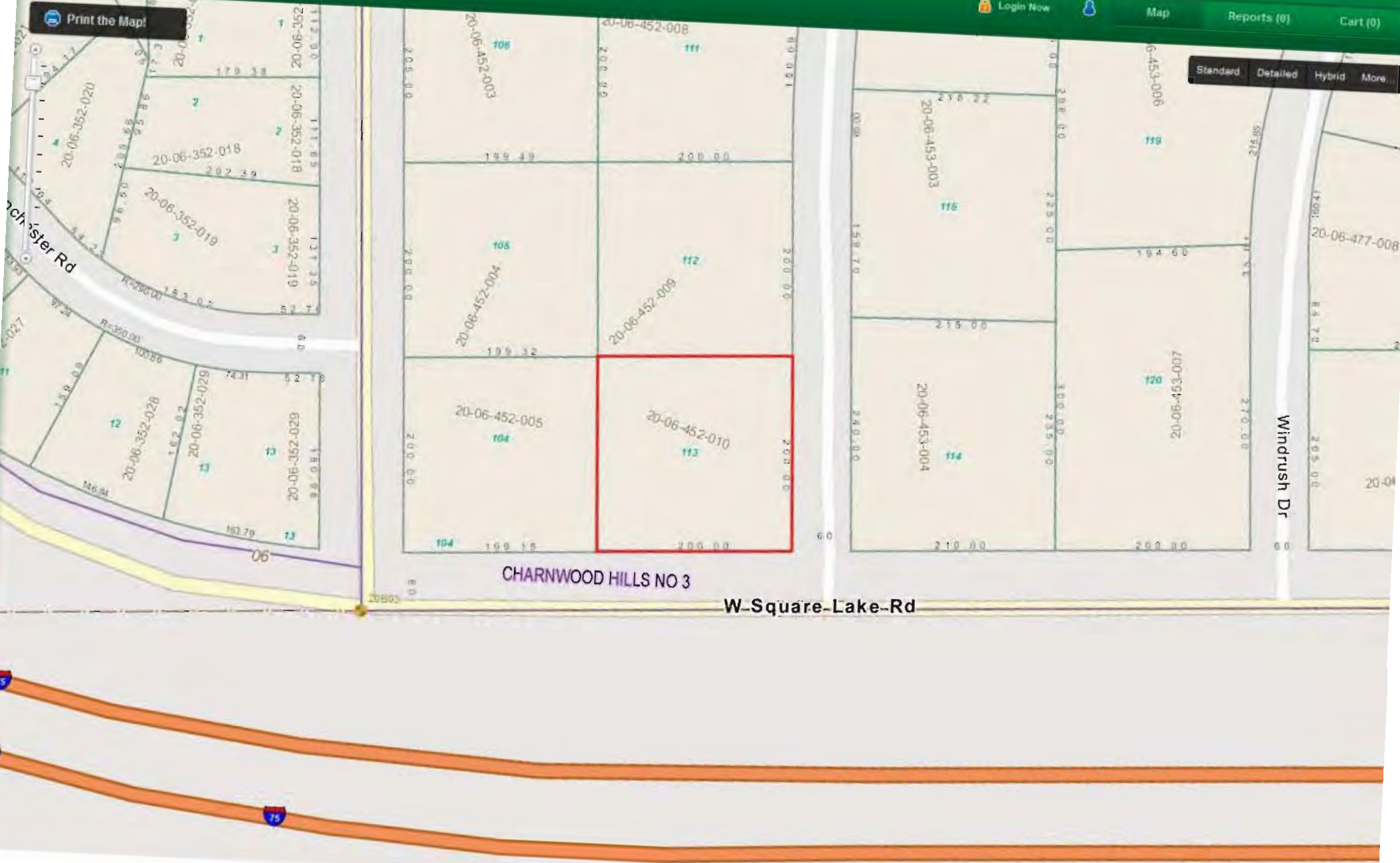
Report

Clear

Parcels [1]

The figure is an aerial photograph overlaid with a GIS map. The map displays several land parcels outlined in orange. The parcels are labeled with their respective IDs: 6060, 6041, 2460, 2420, 2360, and 6068. The parcels are situated in a residential area with trees and some buildings. To the left of the parcels is a street labeled 'BEACH'. To the right is a street labeled 'GLYNDEBOURNE'. Below the parcels is a street labeled 'W SQUARE LAKE'. At the bottom of the image, a multi-lane highway is visible, with shields for I-75 and I-76. The map interface includes a 'Toolbox' at the top with various icons for navigation and analysis. A 'Scale 1: 1065' is displayed at the bottom left, and a 'Jump to Extent: Troy Civic Center' is shown at the bottom right.

Parcel Number	88-20-06-452-010
Property Address	2420 W SQUARE LAKE
Property Address Apt	
Property Address Zip	48098-2222
Owner Name 1	GOJKA, BESNIK & ANGELINA
Owner Name 2	
Neighborhood Code	06D
Taxable Value	103040
State Equalized Value (SEV)	103040
Summary Land Value	157500
Property Class	401
School District	Troy
Principal Residence Exemption	100
Last Sale Date	6/29/2006
Last Sale Amount	255000
Owner Street Address	2420 W SQUARE LAKE
Owner City	TROY
Owner State	MI
Owner Zip Code	48098-2222
Taxpayer Street Addr	
Frontage	200
Depth of Parcel	200
Acreage Of Parcel	0.92
Num Res Buildings	1
Summary Res Floor Area	2492
Summary Res Garage Area	0
Summary Res Year Built	1955
Summary Res Style Alph	RANCH
Summary Res Num Bed	4
Summary Res Num Bath	0
Summary Res Num Bath	3
Summary Res Basement Area	0
Num CI Buildings	0
Summary CI Floor Area	0
Summary CI Stories	0
Summary CI Year Built	0
Legal Description	T2N, R11E, SEC 6 CHARNWOOD HILLS NO. 3 LOT 113



CERTIFICATE OF SURVEY

CERTIFIED TO: BESNIK & ANGELINA GOJKA
2420 W. SQUARE LAKE ROAD
TROY, MI 48098

PROPERTY DESCRIPTION:

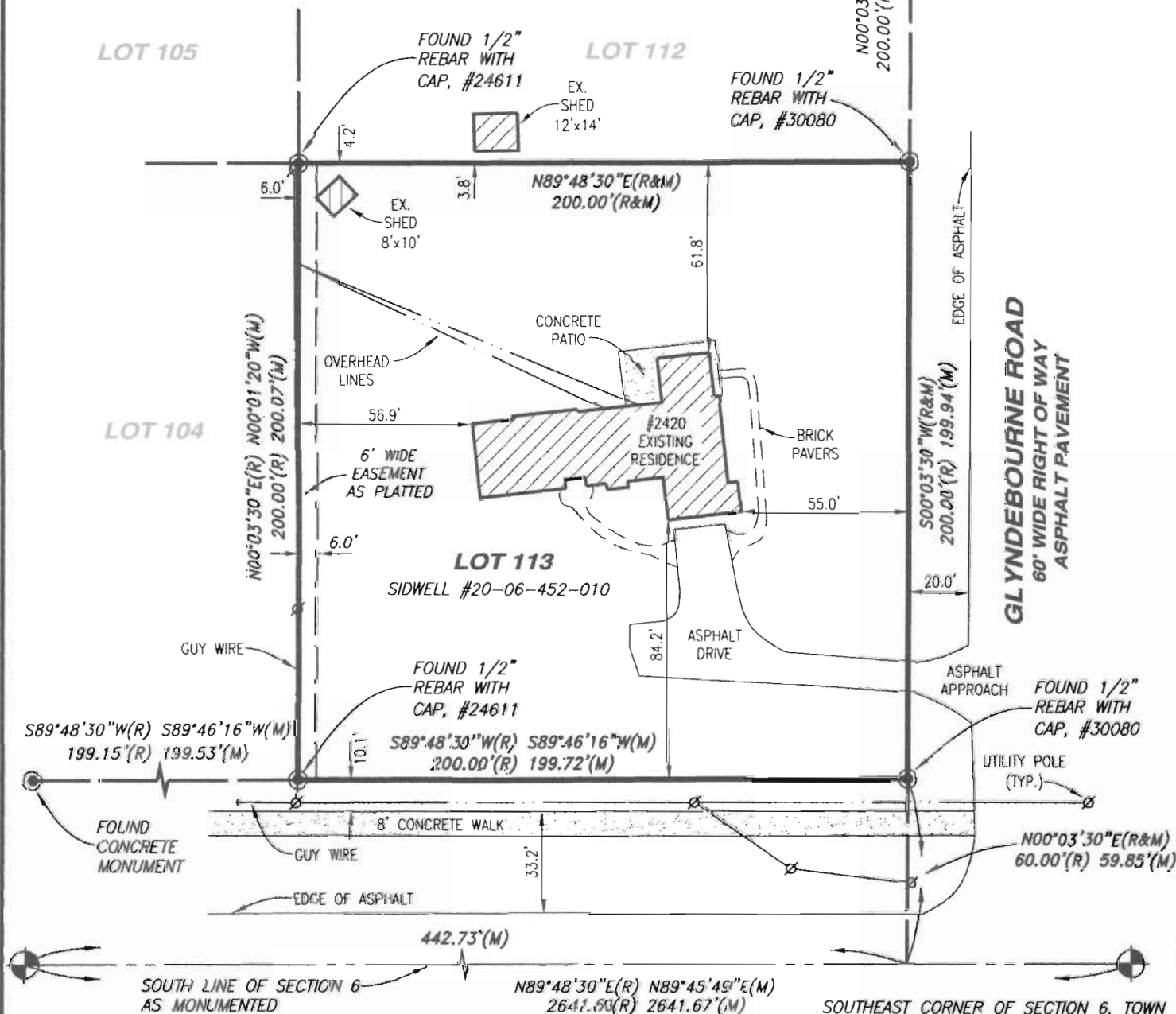
SIDWELL #20-06-452-010

LOT 113, "CHARNWOOD HILLS NO.3", A SUBDIVISION OF PART OF THE
SOUTHEAST 1/4 OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, TROY
TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED
IN LIBER 78 OF PLATS, PAGE 6 OF OAKLAND COUNTY RECORDS.

NORTH



SCALE: 1"=50'



SOUTH 1/4 CORNER OF SECTION 6, TOWN
2 NORTH, RANGE 11 EAST, CITY OF TROY,
OAKLAND COUNTY, MICHIGAN. FOUND
OAKLAND COUNTY REMONUMENTATION CAP,
#25854 IN MONUMENT BOX AS RECORDED
IN LIBER 17277, PAGE 615 OF OAKLAND
COUNTY RECORDS.

SQUARE LAKE ROAD
VARIABLE WIDTH RIGHT OF WAY
ASPHALT PAVEMENT

SOUTHEAST CORNER OF SECTION 6, TOWN
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OAKLAND COUNTY, MICHIGAN. FOUND
OAKLAND COUNTY REMONUMENTATION CAP,
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COUNTY RECORDS.

SURVEYOR'S NOTES

1. BASIS OF BEARING
SOUTH 00° 03' 30" WEST ALONG THE EASTERLY LINE OF
LOTS 112 AND 113 AS PLATTED AND AS MONUMENTED
IN FIELD.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE THE PROPERTY
HEREIN DESCRIBED AND THAT THE DRAWING HEREON DELINEATED IS
A CORRECT REPRESENTATION OF THE SAME. I ALSO CERTIFY THAT
THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT
132 OF 1970 AND IS GREATER THAN 1 IN 5000.

SHANE P. AZBELL, P.S., #46724

AZTEC
LAND SURVEYORS INC.

P.O. BOX 353
HOLLY, MI 48442
PHONE: 586-306-1253 FAX: 480-287-8799

SEAL:



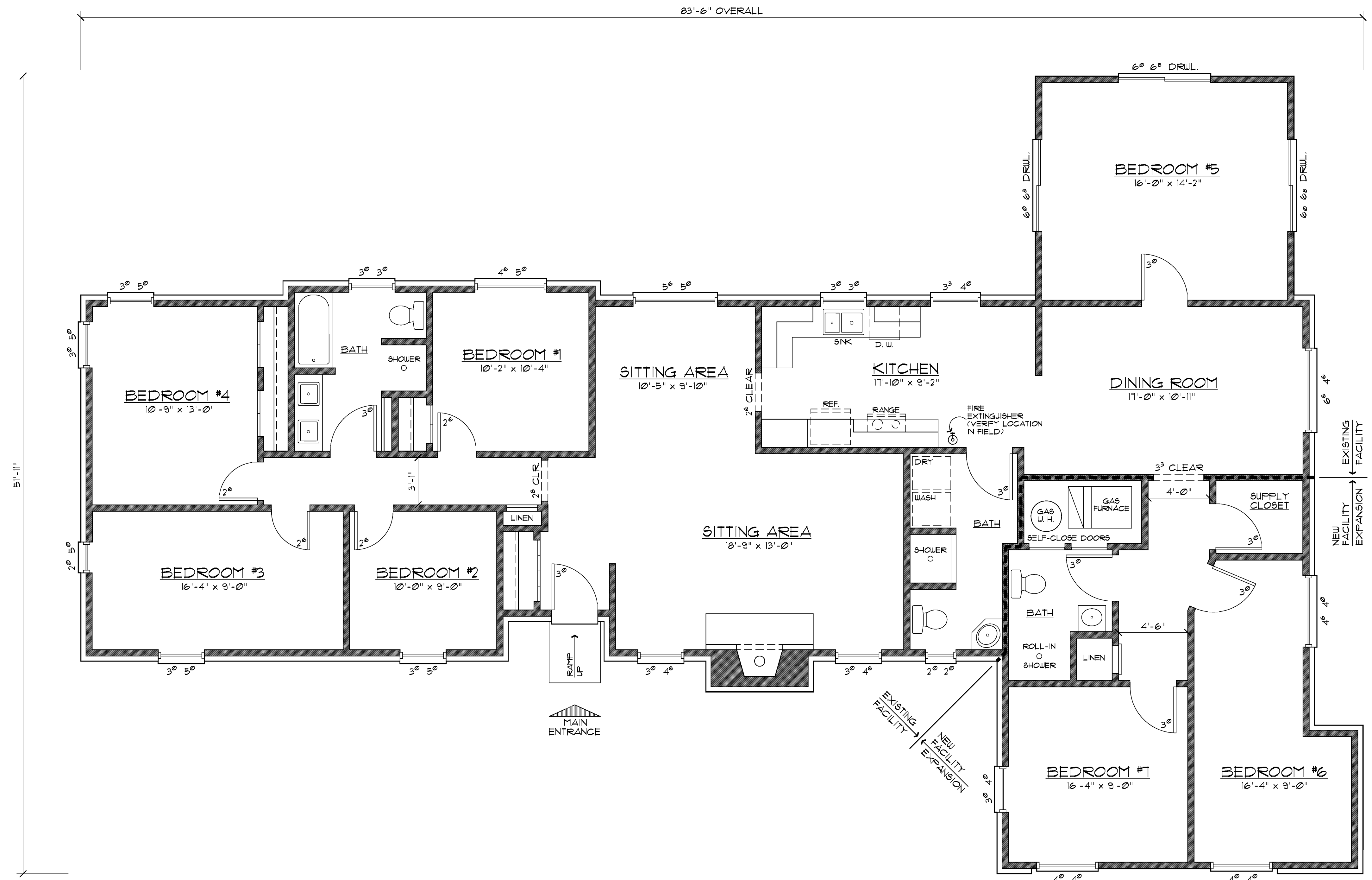
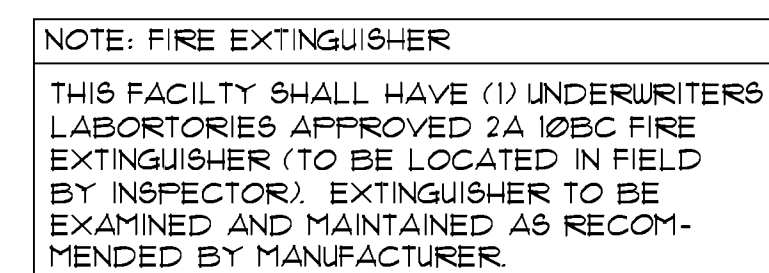
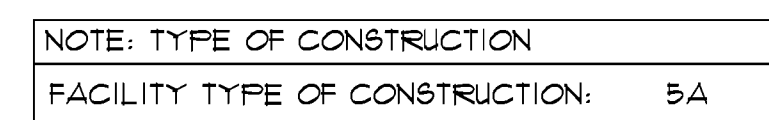
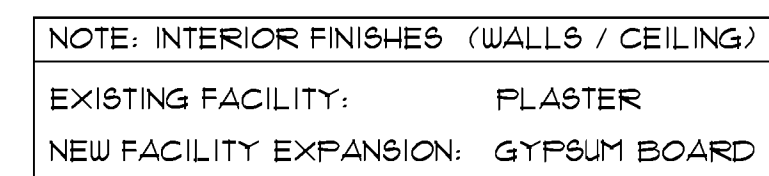
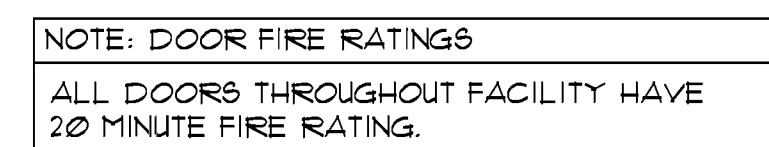
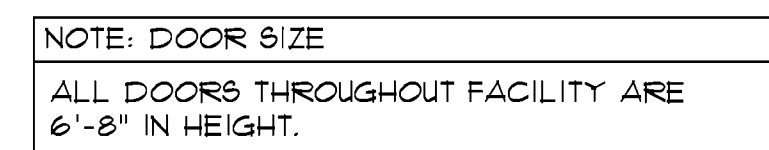
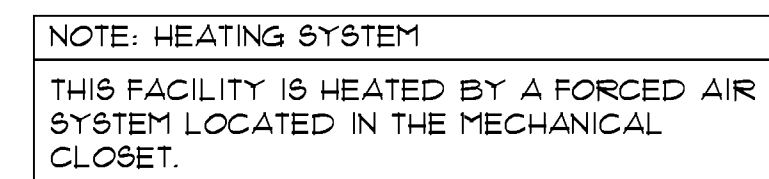
SHANE P. AZBELL
PROFESSIONAL SURVEYOR
NO. 46724

PAGE 1 OF 1

LEGEND:

- SECTION CORNER
- FOUND MONUMENT (AS NOTED)
- SET 1/2" REBAR AND CAP, #46724
- R = RECORD
- M = MEASURED
- C = CALCULATED

JOB NO: 11-039
DATE: 3/17/11
REVISED
DRAWN BY: SA

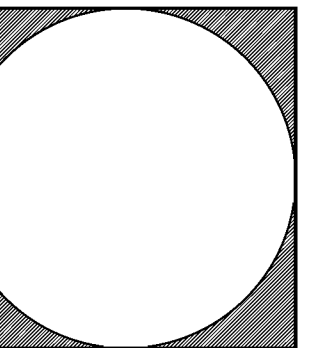


 FLOOR PLAN
SCALE: 1/4" = 1'-0"

TOTAL SQUARE FOOTAGE: 2,482 S.F.

MANCINI/WARD
Architectural Design & Planning, Ltd.

Architecture











6. PUBLIC HEARING – SPECIAL USE REQUEST AND PRELIMINARY SITE PLAN REVIEW (File Number SU 388) – Proposed Adult Foster Care Home, North Side of Square Lake, East of Beach (2420 W Square Lake), Section 6, Currently Zoned R-1A (One Family Residential) District

PUBLIC HEARING OPENED

David Bardlow, 2460 W. Square Lake, support.
John Weisgerber, 2475 Charnwood, oppose.
Larry English, 6140 Beach Road, oppose.

PUBLIC HEARING CLOSED

Resolution # PC-2011-06-036

Moved by: Edmunds
Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the proposed Adult Foster Care Small Group Home, located on the north side of Square Lake and east of Beach Road, at 2420 W. Square Lake, Section 6, within the R-1A zoning district, be granted, subject to the following:

1. The maximum number of adult foster care residents shall be 9.
2. Sheet 1 shall be corrected as per the recommendation of the report prepared by CWA.
3. An opaque screen fence or landscaping shall be provided to obscure the trash storage area on the east façade.

Yes: All present (8)
Absent: Maxwell

MOTION CARRIED



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MEMORANDUM

TO: Brent Savidant
FROM: Zachary Branigan
DATE: June 9, 2011
RE: Angel From Albania Foster Care Small Group Home

We are in receipt of a submittal for a special use request for an adult foster care small group home in an existing residential structure that is currently used as an adult foster care family home. The site is located on Square Lake Road, at the northwest corner of the intersection of Square Lake Road and Glyndebourne Road. The facility currently functions with five approved resident bedrooms. The applicant obtained a building permit from the City to construct an additional two bedrooms, which have now been completed, although once the applicant sought a certificate of occupancy it was discovered that the additional bedrooms were to increase capacity of the facility beyond six persons, which triggers a change of classification. The site, currently identified as a "family home," which permits up to six residents, would become a "small group home," which permits from seven up to twelve residents. The record copy of the application has been appropriately signed and sealed.

As a result of this unintended miscommunication, the facility is left with a completed additional two rooms but without the necessary permit to use them. In this case, the site is zoned R-1A, Single Family Residential. While a family home is permitted by right in the R-1A District, a small group home is permitted only by special use approval.

On its exterior, the site has not changed, and will not change as a result of this application. The facility is a legally operating family home and would simply add residents. We have reviewed the project with regard to the special use requirements and specific use provisions for small group homes in the Ordinance. Given the limited nature of this request, we have provided comments in a memorandum format and have reported directly on the issues pertaining to the use of the site for a similar facility with an additional two resident bedrooms.

For any use requiring special use approval, the Planning Commission shall approve the application, approve the application with conditions, deny the application or postpone action.

Use Standards

Section 6.02.B lists specific use provisions for Adult Foster Care Small Group Homes. They are as follows:

1. *A site plan, prepared in accordance with Article 8 shall be required to be submitted. A site plan has been submitted. Given the nature of this special use as an existing facility in an existing residential structure, some elements normally required for new construction have been waived by the Zoning Administrator. We are satisfied that the submitted materials are sufficient to review the application.*
2. *The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of four thousand (4,000) square feet per adult, excluding employees and/or caregivers. The facility has only seven rooms, but the site plan indicates (erroneously) that the site area requirement is 2,000 square feet per resident, and that there is sufficient site area to permit 20 residents. It is unclear if this is a State of Michigan requirement, or an erroneous interpretation of City of Troy area requirements. Regardless, we calculate permitted density based on the City of Troy's requirements. Given that the site is less than 40,000 square feet, the applicant's calculation is incorrect (the site is 0.918 acres in area, or 39,988 square feet). Further, the requirement is for 4,000 square feet per resident, double the applicant's assumption. The 39,988 square feet of site area allows this facility to accommodate up to nine adults ($39,988/4,000 = 9.997$). Although the applicant's site plan appears to assume that 12 residents would be allowed, this is not accurate. We suggest that a final approval be conditioned on the facility not having more than 9 residents.*
3. *The property is maintained in a manner that is consistent with the character of the neighborhood. We feel that the facility is largely compliant with this condition, with one small exception. The additional rubbish containers and recycling materials generated by a facility with a greater number of residents and workers exceeds that traditionally realized by most single family homes. On our site visit, we observed a large number of boxes and containers, as well as three large garbage containers placed along the east façade, facing the street and neighboring homes. We feel that this condition can be mitigated through the provision of a small section of opaque fencing or landscape screening to obscure the trash storage area.*
4. *One (1) off-street parking space per employee and/or caregiver shall be provided. The site plan indicates that up to two caregivers will be present on site. The existing driveway provides satisfactory parking for two cars. The driveway could, in fact, accommodate additional cars.*
5. *Appropriate licenses with the State of Michigan shall be maintained. It is our understanding from the application that the applicant has State of Michigan licensure for the existing facility and that licensure for the larger number of residents is contingent on approval of the City of Troy's special land use permit. Consequently, this condition is satisfied.*

General Standards of Approval

According to Section 9.03.A, the Planning Commission shall consider the following general standards and any standards established for a specific use when reviewing a special use request.

1. *Compatibility with Adjacent Uses.* The Special Use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a Special Use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses. **The use is proposed within an existing foster care facility and the only change would be slightly higher capacity. To our knowledge, the City has not received any complaints or experienced difficulties with the existing facility. The site is indistinguishable from a large single family home and is a suitable permitted use in the district. Consequently, we believe it will remain harmonious with the character of the area and will not have a detrimental impact.**
2. *Compatibility with the Master Plan.* The proposed Special Use shall be compatible and in accordance with the goals and objectives of the City of Troy Master Plan and any associated sub-area and corridor plans. **The proposed use does not conflict with the Master Plan. The Master Plan calls for the area to remain single family and this use, while permitted only by special use approval, is a typical use in a single family district.**
3. *Traffic Impact.* The proposed Special Use shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation and parking design; street and bridge capacity and, traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. **The proposed use may create several additional vehicle trips per day for visiting relatives or friends of the residents, but will not create a noticeable traffic volume increase beyond what is reasonably expected in a single family environment.**
4. *Impact on Public Services.* The proposed Special Use shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services shall be provided and accommodated without an unreasonable public burden. **The proposed use has no additional impact on public services from any typical use permitted in the R-1A District by right or as a special use.**
5. *Compliance with Zoning Ordinance Standards.* The proposed Special Use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards. **The existing facility meets with Ordinance standards and will continue to comply with Ordinance standards should the request be approved.**

6. *Impact on the Overall Environment. The proposed Special Use shall not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses. **The proposed project will not have a detrimental effect on the environment to a degree any higher than any other permitted use.***
7. *Special Use Approval Specific Requirements. The general standards and requirements of this Section are basic to all uses authorized by Special Use Approval. The specific and detailed requirements relating to particular uses and area requirements must be also satisfied for those uses. **Should the Planning Commission condition an approval on a limitation to no more than 9 residents, and the trash area be obscured by a fence or landscaping, the specific use standards for the use are satisfied, as noted above.***

According to Section 9.03.B, the Planning Commission must also consider the following:

1. *The nature and character of the activities, processes, materials, equipment, or conditions of operation; either specifically or typically associated with the use.*
2. *Vehicular circulation and parking areas.*
3. *Outdoor activity, storage and work areas.*
4. *Hours of operation.*
5. *Production of traffic, noise vibration, smoke, fumes odors, dust, glare and light.*

We believe the land use as proposed is of such location and character as to be compatible with the orderly development or use of adjacent land and/or Districts. The vehicular circulation and proposed activities are not detrimental to the area. The site currently houses an existing facility that has operated in a satisfactory manner and has been complementary to the neighborhood.

Recommendation


We support the applicant's request. The site is a successful, viable foster care facility and was permitted by the City to add two additional rooms. The facility will receive State of Michigan approval once a certificate of occupancy is issued by the City of Troy. The facility has not been problematic in the past and the proposal represents only a modest increase in capacity. We recommend the Planning Commission approve the request conditioned on the following:

1. That density calculations on Sheet 1 which erroneously refer to a 2,000 square foot per resident requirement are corrected to read 4,000 square feet, that the maximum number of residents permitted be corrected to read no more than nine residents (per the area calculation), and that the comment stating that the allowable number of adults cared for per Ordinance is 12 be removed from Sheet 1.
2. That an opaque screen fence or landscaping be provided to obscure the trash storage area on the east façade.

Angel From Albania Foster Care
June 9, 2011

Please do not hesitate to contact us with any questions, comments, or concerns.

Sincerely,



CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

225-02-1114